

Docket No. TAMAR-P2630

PATENT #31

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald Lesser

Serial No.: 09/157,998

Art Unit: 2765

Filed: September 22, 1998

Examiner: Jeanty, Romain

For: A SOFTWARE DEVICE TO FACILITATE CREATION OF MEDICAL RECORDS, MEDICAL LETTER, & MEDICAL INFORMATION FOR BILLING PURPOSES

Mail Stop Fee Amendment
Commissioner for Patents
Alexandria, Virginia 22313-1450

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RESPONSE TO NON-FINAL OFFICE ACTION

Sir:

This communication is in response to the Non-Final Office Action mailed February 26, 2003.

Preliminarily, Applicant takes this opportunity to confirm the content of a phone communication with Examiner Jeanty that took place on May 20, 2003. It is Applicant's understanding that Applicant's amendment mailed November 21, 2002, in response to a section 112, second paragraph rejection contained in the Examiner's Non-Final Office Action of May 21, 2002, placed at least independent Claims 51, 55, 57, 58, 59, 68, and their dependent claims in

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Mark A. Pellegrini, Reg. No. 50,233

6/26/03
DATE

allowable condition. Accordingly, those allowable claims and the claims depending from them include: Claim 51 (and Claims 52-54 depending therefrom), Claim 55 (and Claims 56 depending therefrom), Claims 57 and 58, Claim 59 (and Claims 60-67 depending therefrom), Claim 68 (and Claims 69-73 depending therefrom), 78-80, 82-85, 87, 89, and 90. Thus, in summary, at least Claims 51-73, 77-85, 87, 89, and 90 appear to be allowable based on the foregoing.

In addition, Applicant notes that the only apparent basis for "rejection" in the February 26, 2003 Office Action is 37 C.F.R. §1.105, which pertains to inventions made, used or sold in outer space. Applicant respectfully points out that while the instant invention may in future circumstances be made, used or sold in outer space, to Applicant's knowledge that has not yet occurred. Accordingly, Applicant respectfully submit that the §1.105 "rejection" is improper.

To the extent that the "rejection" was intended instead as a request for submission of information as may be reasonably necessary to properly examine or treat the matter (application) under 37 C.F.R. §1.105, however, Applicant responds as set forth below.

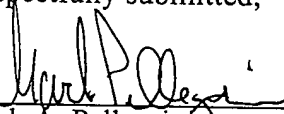
In short, Applicant does not believe that a request pursuant to §1.105 forms a proper basis for a new ground(s) of claim rejection. Applicant respectfully solicits from the Examiner written authority for the rejection of Claims 49-93 as indicated in the aforementioned Non-Final Office. Applicant expressly reserves his rights in this regard.

Specifically, in a good faith effort to advance the prosecution of this application, Applicant submits materials as requested by the Examiner, pursuant to 37 C.F.R. §1.105, to document the level of skill and knowledge in the art of generating a medical billing code. Further, Applicant submits herewith a list of the requests contained in the Examiner's Non-Final Office Action (OA) of February 26, 2003 along with Applicant's response to the same.

Applicant respectfully submits that these materials sufficiently respond to the Examiner's requests. However, to the extent that the Examiner desires supplemental filings in this regard, Applicant will be pleased to undertake same. In view of the foregoing, it is thought that the application is now in condition for allowance, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any aspects of this communication or the application, the Examiner is invited to contact Applicants' undersigned attorney at (949) 718-6750.

Respectfully submitted,



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Date: June 26, 2003

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